

MINUTES OF THE BOARD OF SELECTMEN

November 20, 2023

Rowley Town Hall, 139 Main Street, Rowley, MA

6:00 p.m.

MEMBERS PRESENT: Chairman Cliff Pierce; Clerk Deana Ziev; Robert Snow; Sheri David (Town Administrator Deborah Eagan)

Vice Chairman Christine Kneeland - ABSENT

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Board said the Pledge of Allegiance.

Chairman Pierce said the meeting is being audio and video recorded by Rowley Community Media.

GENERAL BUSINESS

1. Approve donation of a Happy Chat Bench for the Rowley Public Library from the Ipswich-Rowley Rotary Club

Chairman Pierce said the Ipswich-Rowley Rotary Club has donated a Happy Chat Bench to the Rowley Public Library. He said that there is a story about the Happy Chat bench attached. He read the following:

In May, Surgeon General Vivek Murthy issued an official advisory, warning that isolation poses a greater risk to longevity than being sedentary or obese. Loneliness was on the rise before the pandemic but escalated with lockdowns and social-distancing requirements. Rotary International has embraced this concern and the Ipswich-Rowley Rotary Club has provided "Happy to Chat" benches for both the Ipswich Public Library and the Rowley Public Library. Patrons and the public are urged to seek out the benches, put their cell phones away, slow down, and sit awhile. Smile and invite someone to sit with you to talk, listen, share, and cultivate friendships. So enjoy! George Gray, Ipswich-Rowley Rotary Club.

Deana Ziev made a motion to approve the donation, Sheri David, seconded, all in favor, aye 4-0. Ziev said that it is a wonderful idea. Robert Snow said that he is a member of the Ipswich-Rowley Rotary Club.

2. Letter of resignation from Police Captain David Sedgwick

Chairman Pierce read the following meeting memo:

Captain Sedgwick has submitted his resignation letter to the Board. His last day is November 30, 2023. He said has accepted the position of Chief of Police in his hometown of Georgetown. He has worked for the Town for the past 30 years.

The Board needs to vote to accept his resignation and send him a letter thanking him for his many years of dedicated service to the Town.

Pierce said personally it is a sad day to see Captain Sedgwick leave. He said he was a fine police officer and that he thinks the Town is going to miss him. Robert Snow made a motion to accept the resignation with great regrets, Sheri David, seconded, all in favor 3-0. Deana Ziev abstained. Snow said that he can't say enough about Captain David Sedgwick. He said that he was the first police officer that he met when he moved to Town. He said that he was very professional.

3. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of Police Captain

Chairman Pierce called for a motion to lift the hiring freeze for the position of police captain, Robert Snow so moved, Sheri David, seconded, all in favor, aye. 3-0. Deana Ziev abstained.

4. Review State Ethics Disclosures filed by Assistant Town Accountant Linda Cook
Chairman Pierce read the following meeting memo:

We have received two Chapter 268A Section 19 disclosures from Linda.

Linda processes the bills payable accounts for the Town, as part of her position of Assistant Town Accountant. There are two vendors for the Town, Nature's Way Land Care, and Cook's Rubbish, that Linda has filed disclosures with the Board, because the vendors are connected to members of her family.

Under the Section 19 disclosure, "Disclosure by Non-Elected Municipal Employee of Financial Interest and Determination by Appointing Authority" the Board of Selectmen needs to review each disclosure and make a determination on each one, as to the financial interests being deemed likely to affect the integrity of the services, which the municipality may expect from the employee.

If the Board votes that the interests are not so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from Linda, the Board needs to vote to authorize Chairman Pierce to sign the disclosure forms.

Pierce said that he believes that the interests are not so substantial as to affect Linda's integrity. Deana Ziev said she agreed. Robert Snow said he agreed. Pierce called for a

motion to authorize him to sign the disclosure forms, Ziev so moved, Snow seconded, all in favor 4-0.

NEW BUSINESS

1. Request from The Bluebird Performance Venue for One-Day Entertainment License for live music and poetry offered in a coffee house format at the First Congregational Church at 175 Main Street on January 13, 2024 and February 10, 2024 from 6:30 p.m. – 9:00 p.m. – Church Sanctuary

Chairman Pierce read the following meeting memo:

These applications have been reviewed by the relevant department heads and there are no concerns.

The Board needs to vote to approve the two applications with the following standard One-Day Entertainment License conditions:

- 1) *Crowd manager must be present at all times during the event*
- 2) *Occupancy limits for premises must not be exceeded and crowd manager must be monitoring occupancy during the event*
- 3) *Windows and doors must remain closed during the event to prevent noise nuisance*
- 4) *Parking on the street is prohibited. The crowd manager must watch for instances of street parking and request vehicle owners to immediately move any vehicles parked on the street to designated facility parking areas*
- 5) *People congregating outside premises is prohibited.*

Pierce called for a motion to approve the license applications, Sheri David so moved, Robert Snow, seconded, all in favor, aye, 4-0.

2. Review Remembrance of Climate Futures markers and proposed locations

Chairman Pierce read the following meeting memo:

In 2020, the Board of Selectmen approved participating in Professor Thomas Starr's application to the Essex County Community Foundation funding for the Remembrance of Climate Futures public art project. (See November 23, 2020 meeting minutes and letter from Chairman Pierce to the Essex County Community Foundation dated December 7, 2020). Planning Board member David Jaquith collaborated with Professor Starr on the exact plaque locations based on projections in the Great Marsh Coastal Adaptation Plan and other documents.

Professor Starr recently contacted Natalie to let the Board know that the Planning Board recently approved the marker designs and locations. However, the Board's vote at the November 23, 2020 meeting had a condition that the Board of Selectmen review and approve the language on the markers.

Attached are copies of the markers and the locations. The Board should review the statements on each of the six plaques and vote to approve the language on each marker, in accordance with the condition made at the November 23, 2020 meeting.

The marker locations are as follows:

- 1) *Town boat launch bench at gangway*
- 2) *Kestral trail marker, rear (Patmos Road/Rough Meadows)*
- 3) *Pingree Farm Trail*
- 4) *Town Hall portico entrance pole on right side of entryway*
- 5) *Library parking lot pole behind EV charging station*
- 6) *RMLP building*

Debbie recommends that we get confirmation via email from the department heads where these plaques will be located indicating that they have approved of the plaque and location. We need to keep this documentation in our files.

- 1) *HARBORMASTER - Town boat launch bench at gangway*
- 2) *CONSERVATION AGENT - Kestral trail marker, rear (Patmos Road/Rough Meadows)*
- 3) *CONSERVATION AGENT - Pingree Farm Trail*
- 4) *BOARD OF SELECTMEN - Town Hall portico entrance pole on right side of entryway*
- 5) *LIBRARY DIRECTOR and RMLP MANAGER - Library parking lot pole behind EV charging station*
- 6) *RMLP MANAGER - RMLP building*

Pierce suggested that we table this matter and take it up at a later time. He called for a motion to table the item, Sheri David so moved, Deana Ziev, seconded, all in favor, aye, 4-0.

OLD BUSINESS

1. Review Green Communities Annual Report
Chairman Pierce read the following meeting memo:

The FY2023 annual Green Communities report is due in December Attached is a draft of the report. There are still a couple pieces of data that we are waiting for from Town Departments in order to finalize this report. We will provide the Board with a copy of the report once it is complete.

Please vote to authorize Chairman Pierce to sign the Green Communities annual report once it is completed.

Pierce called for a motion to authorize him to sign the report, Robert Snow, so moved, Deana Ziev, seconded, all in favor, aye, 4-0. Bernard Cullen asked the Board if they are waiting for anything from the Water Department for this report. Deborah Eagan said she was not sure and that Natalie Lovett was working on the report and that she would need to speak with her.

Robert Snow said that we have not announced Public Comments. Chairman Pierce agreed and said that we will have Public Comments for the next five minutes.

Public Comments was opened at 6:12 p.m. Chairman Pierce asked if anyone had any comments.

Chairman Pierce said we have a few moments before we can open the public hearing. Pierce said he would read the announcements now.

Pierce read the following announcements, which were listed on the meeting agenda:

ANNOUNCEMENTS

1. The Town of Rowley Veterans Committee is holding a Wreaths Across America program. The Committee is looking for volunteers to lay wreaths on veterans' graves in the Rowley Cemetery on Saturday, December 16 at 10:00 a.m. Donations are also being accepted. Please go to the Town's website for more information.

2. The Town has the following board vacancies:

- **Conservation Commission**
- **Council on Aging**
- **Open Space Committee**
- **Rowley Cultural Council**
- **Zoning Board of Appeals – Alternate member**

Interested residents should send a letter of interest to the Board of Selectmen. Positions are open until filled.

Sheri David said that if anyone is in need of a Thanksgiving dinner for whatever reason - either because they can't afford it or because they don't have a place to go, go to the Congregational Church on Thanksgiving. She said the Council on Aging and the Congregational Church are partnering this year to provide free Thanksgiving meals. She said the meals can also be delivered. Robert Snow said he has been to this. She said that they have enough volunteers.

6:15 p.m. PUBLIC HEARING* Multiple Amendments Liquor License Application filed by Back Nine Tavern, LLC, d/b/a Rowley Country Club 235 Dodge Road

Chairman Pierce read the following meeting memo:

NOTE: For this application, the 1) Alteration of Premise, 2) Change of License Type, and 3) Change of Category amendments all require a public hearing. The 4) Change of Hours, which is also requested as part of this application, does not require a public hearing. The Board should be cognizant of this when taking public comment on this application.

A copy of the redacted application has been included in your packet. Also included is a narrative and supporting document/photos that address the items on the attached Guidelines for Outdoor Alcoholic Beverage Service Areas issued by the ABCC. All other supporting documentation to the application is in the file for this amendment application.

Pierce read the public hearing notice.

Pierce called for a motion to open the public hearing, Robert Snow so moved, Deana Ziev, seconded, all in favor 4-0.

The public hearing opened at 6:17 p.m.

Pierce stated that the hearing was advertised in the November 8, 2023 edition of The Newburyport Daily News.

Pierce called the applicants forward.

Joseph Noone identified himself as the legal representative of the Back Nine Tavern and Rowley Country Club. He introduced Ted Speros as the principal owner and Darin Chin-Aleong as the general manager and golf pro. Noone said that we are seeking a modification of the existing malt and wine license. He said it is a seasonal license that runs from April to the end of November. He said first, we seek to change the category from seasonal to annual. He said the reason for that change is because the golf season is somewhat elongated these days due to changing weather patterns and golfers are coming in later in the golf season after the end of November. He said golfers are coming in December. He said he would like to be able to serve the patrons on the days they are golfing after November 30th. He said that we would also like to offer alcoholic beverages beyond just beer and wine. He said that today's society has a lot more canned alcoholic beverages options, such as High Noon, that people are using more frequently than just beer and wine. He said the third request is that we seek to have beverages sold on the golf course via a golf cart. He said the reason for that is two-fold – to monitor the alcohol intake of the golfers on the golf course. He said often times patrons will bring their own beverages to consume while playing golf. He said if we have a beverage service on the golf course then golfers are less likely to be bringing their own alcoholic beverages to the golf course. He said we can control their consumption better. He said secondly regarding this option, we want to be able to provide this service to our patrons, because it is very common to have service on the golf course. He said the next change is to have an outdoor beverage service area in a tent in the warmer months. He said it is located adjacent to the deck area and is visible from the club house. He said they plan to have ten tables of four seats each in this area. He said finally, we request to expand the hours of alcohol to 8:00 a.m. to 11:00 p.m. He said we would like to be able to provide service before 11 o'clock. He said we are seeking to improve the golf experience and that the patrons would like to have these amenities and this would help us generate revenue, while we seeking a bigger project. He said we desire to offer teaching and training during the colder months with golf simulators and we would like to be able to provide beverages to our patrons when we are offering those

services. He said this is a brief overview of what we hope to accomplish. He said Darin has been a very good steward of managing the club and the alcohol service. He said that I don't believe we have had any problems. He said we don't believe that by having these additional modifications to the license that it is going to create any additional problems. He said it will be a benefit to the patrons and members of the golf course.

Chairman Pierce said we sent the application to the Police Chief, Fire Chief, Building Inspector, Town Planner, Health Director, Conservation Agent, and ZBA for comments.

Pierce read the following from the meeting memo:

- **Building Inspector** had no issues with the proposed amendments. A building permit and documentation for flame retardant will be required for the tent.
- **Health Director** raised questions regarding the following items (see attached comments from Health Director):
 - i. The septic system sizing (which is currently for a total of 40 seats) **THE APPLICANT WILL NEED TO ADDRESS THIS ISSUE WITH THE HEALTH DIRECTOR**
 - ii. A plan to address potential litter on the golf course,
 - iii. Whether the limited food menu will be expanded, **THE APPLICANT WILL NEED TO ADDRESS THIS ISSUE WITH THE HEALTH DIRECTOR**
 - iv. Where the additional alcohol will be stored or prepared,
 - v. If a bar will be built for the new alcohol service
 - vi. Whether the tent will have side walls and a heating component,
 - vii. Whether tobacco use is planned for under the outdoor tent or deck, **THE APPLICANT WILL NEED TO ADDRESS THIS ISSUE WITH THE HEALTH DIRECTOR**
- viii. The Health Department recommends all servers and managers be TIPS certified.
- **Town Planner** noted the following items (see attached comments from Town Planner):
 - i. The expansions in this application appear permissible under the special permit (as opined by Town Counsel Tom Mullen)
 - ii. He asked whether the change from a seasonal to annual permit is permissible under the Conservation Restriction
 - iii. He questioned whether the tent will be used throughout the winter months (**THIS MATTER ONLY PERTAINS TO THE SELECTMEN IN TERMS OF ALCOHOL BEING SERVED IN THE TENT**)
 - iv. The proposed tent area coincides with the golf cart corral. Where do they plan to relocate the golf carts to?
 - v. He recommended that the following conditions be included in the approval
 - 1. Ensure the clubhouse staff is responsible for removing trash litter from the open space area on a daily basis for the extent of time the golf course is in operation.
 - 2. Limit the amount of time the events tent can stand to when the golf course is fully operational
 - 3. If clubhouse services are approved to be expanded I would recommend that any golfing services provided during winter be balanced with the public still being able to use the space as passive open space. Perhaps certain days of the week or weekends being reserved for public use of the open space.

- **Conservation Commission** did not provide comments. The Commission discussed the application and whether it conflicts with the Conservation Restriction at their meeting held on November 14.

Pierce said the ZBA, Police Chief, and Fire Chief had no issues.

Pierce asked Noone to address the conservation restriction. Noone said the conservation restriction specifically permits the expanded food and beverage service for the golf course. He said it is set forth in the restriction and in the special permit. He said the change from an annual to a seasonal license is not impacting the conservation restriction. He said the public access to the golf course paths occurs when golfing on the golf course is closed. He said what we are seeking to do here will not have any impact on the passive recreational use of the paths. Pierce said because you will be closed, though, you won't be serving alcohol when the golf course is closed. Noone said correct, other than when we are serving alcohol within the club house. He said if the club house is open and someone is there for a lesson and wants a beer, it will not impact the public's use of the golf course trails. Noone said with regard to the conservation restriction, the change from beer and wine to all alcohol license will have no impact on the conservation restriction. He said the change in hours would not have an impact on the passive recreational use, nor would the tent. He said the tent would only be up and available during the summer months and not during the winter months when the golf course is closed. Sheri David asked if he was looking for the tent hours to be to 11:00 p.m. as well. Noone said it can be flexible on that, but they would like the tent to be to dusk and to coincide when the golfers are leaving the course. He said we don't need the tent to be open to 10:00 or 11:00 o'clock. He said the tent provides a means for people to sit outside and enjoy some fresh air. Deana Ziev asked if tobacco use is going to be permitted. Noone said we haven't discussed this. He said he doesn't know what the requirements are if someone wants to smoke a cigarette under the tent. He said if that were an issue we would be amenable to not having smoking in the tent. Ziev said most areas for convening for a drink area are smoke free. David asked if the tent area was going to be staffed. Noone said yes. David asked if the tent area will always be staffed and that someone will be there all the time. Noone said yes, when it is open for service. Pierce asked if you are planning to have a bar in the tent area. Pierce asked how will this work. Noone said there wouldn't be a separate bar area. He said there would be a station where forks and knives and plates would be cleaned, but the service of alcohol would still come from inside the club house.

Pierce asked if there is anyone present at the meeting who would like to speak on the application. He asks that they clearly state their name and address. Christopher Thornton 65 Emily Lane. He said that he is a direct abutter to the country club. He said that he is the abutter most directly affected by the addition of the tent and the golf cart corral. He said he has questions on the order. He said that he thinks this is a permissible expansion of the use. He said there is ambiguity in the order. He said the addition of the tent, potentially necessitates a site plan review because it will impact noise, lighting, and parking. He said the additional capacity will cause an impact. He said that since this order was granted in 2012 there has already been granted an

expansion of the footprint of the club house. He said additional roof space was created that expanded the footprint. He said as much as the CR and the order likely allowed this type of expansion, it is up to the Board of Selectmen consistent with the Alcoholic Beverage Control Commission to make a determination here. He said this is a unique animal, in that a golf course is operating an open space that is open to the public. He said that they have to create a point of access and parking and none of that has happened. He said everyone is entitled to enjoy the open space. He said that the Board needs to consider this before they allow the expansion. Noone said regarding Mr. Thornton's point about parking, the conservation restriction does not have a requirement that parking be granted. He said there is nothing in the conservation restriction to provide parking for the public. He said that they were told by the previous owner that this issue had been fleshed with the Town. He said there are a variety of liability issues for the owner if the parking area is not shoveled and plowed. He said the conservation restriction is silent regarding any requirement to provide public parking. He said it simply states that the public is permitted to access the trails and the paths that exist on the golf course. He said I believe I sent a letter outlining the response to the comments that were raised by the Conservation Commission. He said the letter was sent to the Conservation Commission and Board of Selectmen. Ziev said there needs to some type of site plan review for the tent with seating next to the golf cart corral. She said there needs to be some type of barrier. Noone said that the tent is within the golf cart corral. Ziev asked if it was ADA compliant.

Ted Speros identified himself as the golf course owner. He said that the corral area is built into the side of the golf course with a stone wall area and a fence on one side. He said there is a ground level entrance. He said there is a handicap ramp that goes from the golf course up to the deck. He said it is all ADA compliant. He said that there is the golf club and the golf course. He said that when the course is closed, it will continue to have public access, like it has today. He said the only thing we are talking about during the off season is when the course is closed is for us to continue activities inside the club house. He said it would not prevent people from accessing the paths. David asked about the parking. She said that you are granting public access to the paths but not for parking. Speros said there has never been parking. Snow asked about a pathway. Noone said the conservation restriction has designated pathways in the golf course and there is no actual path in the parking lot. Speros said the conservation restriction says non-motorized access. Pierce asked why don't you have to go back to the Planning Board and get an amendment for your site plan for the area where the tent is supposed to be. Speros said it is not a building and the requirement for the site plan is if we expand the building. He said we have not expanded the building and that the deck was not expanded and that a roof was put over the deck. Pierce said that tent areas should be shown on the site plan. Pierce said it seems like you need to go back to the Planning Board. Noone said that if you think that the tent issue is going to require site plan review, could we withdraw that aspect of the application and hold that for another day and seek the other modifications, with the exception of the tents? Pierce said yes. Pierce asked the other Board members if they had any further questions. David said that she has questions on the golf cart service. She said she doesn't really see this as necessary. She asked who is going to be serving alcohol from the golf cart. Noone said

a TIPS certified employee. David asked how old the person would be. Noone said someone who will be 21 years old. David asked how are they going to check IDs? She asked if there will be a bar code or scan system. Noone said that they will be asking people to show their driver's licenses. Noone described how it will work. He said that someone will be driving the beverages around the golf course. He said that the golfers walk over to the beverages cart and ask for a Budweiser, sir or ma'am, and the beverage server checks the ID and takes payment. David said the person driving the golf cart has no idea who is drinking the beverage when they are driving away. She said no one from the club house can see the course to see who is actually drinking out there. She said how are we controlling minors from drinking there? Noone said there are rangers driving through the golf course monitoring the play and what is going on. He said that Darin drives through the golf course. Pierce asked if the golf carts with the drinks stay there and watch the person consume the drink. Noone said we will keep track of how many beverages are being served. David asked if you have four players and two players who are age 22 and two players who are age 20, how are we going to know that the two 20 years olds are not going to be consuming alcohol? Noone said we will implement rules on the amount of beverages that are going to be sold. Pierce asked if other golf courses offer this. Noone said most do. Ziev said that this is unnecessary and this is excessive for a small nine-hole golf course. David said there could be mixed drinks in a can. Snow asked how does this work on other golf courses? Noone said that you have to train your staff to properly serve and it is not much different than serving inside the facility. David said it is entirely different because you have someone sitting in front of you at the bar that you are serving drinks to and watching the condition that they are in. David said it is completely unsupervised on the golf course. She said if someone has a medical event or becomes disorderly or intoxicated on the course, now it is just a whole another set of problems for the first responders and public safety to get out there to deal with it. David set it is entirely different from serving alcohol in the bar. Pierce agreed. Snow said that he never heard of this. David said there are a lot of changes before us, but that she doesn't think that this needs to be one of them. Speros said it is your prerogative. He said that when you go to the ball game, people buy a beer and go back to their seat and no one is monitoring them. He said that it gives us more control over alcohol because we don't check everyone's bag. Ziev said the difference with Fenway Park is that everyone's ID are scanned electronically into a system, bags are checked in at the door, there are employees walking around observing, and there are limits on how much you can be served. Speros said we are just trying to provide an experience that other golfers have in other courses. He said it seems to be the normal course of business for us. Snow asked how are you going to be monitoring someone out on the course. He asked if they are going to be scanned in or is there a QR code? Pierce said this could be a potential disaster, especially on a hot day, where people could be having drinks on the course and then drinks after in the club house. Snow said he wants to know how other golf courses handle this. Noone said there is a person in a golf course that checks the ID, takes cash or a credit card, and there are rangers that are monitoring the golf course to see what is going on. Noone said that a TIPS certified person is serving the alcohol. Snow said that he would think that you could issue someone a QR code as a way to monitor the serving of alcohol. Snow said there are ways of doing this. Ziev said that issuing a QR code could possibly be a violation of

someone's rights. She said she wouldn't want someone to scan her in to a system. Noone said that this is not intended to be a "drink-a-thon" but an amenity for the patrons. Ziev said it would make more sense to buy your drink at the club house and then bring it to the golf course. David asked if there are portable restrooms on the golf course. Noone said there is a portable restroom on the sixth hole.

Christopher Thornton said that the bar cart is a common amenity on golf courses. He said he wants to re-focus the Board of the protection of the conservation restriction and the public's access to the land. He said that there is a risk for litter on the golf course. He said that he wants to point out that the applicant mentioned a few times what the prior owner told them. He said that clearly has no binding authority in any capacity. He said that he spoke to the prior owner about access during the pandemic. He said that he isn't aware of any notification that the public has access to the golf course. Noone said that in terms of notifying the public, when the golf course is closed, the website has a notice saying that there is public access and also that a sign is put up near the golf course itself, but not on the parking lot. Noone said that the letter he submitted to the Board contains the placard and a screenshot of the website. Noone said he submitted a letter to the Board. Thornton said he has never seen this sign. Speros asked the Board if they had received a copy of the letter they had sent to the Conservation Commission. Ziev said we did not receive the letter. Eagan said that she was copied on an email message that had a letter attached to it that was addressed to the chairman of the Conservation Commission. She said that we haven't seen any response from the Conservation Commission to this letter. Eagan said the letter is addressed to Chairman Shinnick. Speros said there are photos of the sign and the website posting attached to the letter. Eagan said the liquor license application is the matter before the Board, but that the conservation restriction comes under the Conservation Commission and they will need to respond to the letter. Pierce asked if there are some aspects of this application that we can approve tonight or not. Pierce asked the applicant if he still planned to withdraw the tent proposal for the time being, without prejudice. Noone said yes. Ziev said she is comfortable making a motion to approve the license change from malts and wines to all alcohol and that she is comfortable with making a motion to change the license from seasonal to annual. Pierce asked Noone if he we could do something like that because we are not going to approve the golf cart service. He said that the idea is too new to us. Noone said that we will withdraw that without prejudice. Ziev said that the service time would be the same as the existing license. David asked what are the current hours? Ziev said 10:00 a.m. to 9:00 p.m. Monday through Saturday and 11:00 a.m. to 9:00 p.m. on Sundays. Noone said we are restricted to 11:00 a.m. start time on Sunday. Eagan said the Board decides what the times are. Noone said we are seeking what the Town permits. Noone said he is seeking to have the service time run to 11:00 p.m. Noone said he is seeking to have the start time as early as the State or Town permits, which he believes is 8:00 a.m. Pierce said, do people drink at 8 a.m.? Noone said that some people like to have a Bloody Mary drink at that time. Ziev said that she believes that the only establishment in Town that would serve early is the Briar Barn Inn because they serve brunch. Eagan looked up the liquor license for the Briar Barn Inn and said the serving times are Monday – Sunday 10:00 a.m. to 11:00 p.m. and 10:00 a.m. to 10 p.m. outdoors. Ziev asked for a confirmation

from the applicant that he is looking to have the serving times from 8:00 a.m. to 11:00 p.m. Noone said yes. Pierce said he has no problem with the all alcohol license. Ziev asked to the applicant to confirm that he is looking to change the license to serve alcohol from 8:00 a.m. to 11:00 p.m. year-round, seven days a week. Noone said yes. David said if it is a tavern-style atmosphere and people are watching a game or golf and you want to have a drink in the evening, she doesn't have a problem with that because other places in Town serve alcohol in the evening. Snow read the liquor hours for the Briar Barn Inn. Snow said the Briar Barn Inn is 10:00 a.m. to 11:00 p.m. Monday through Saturday and outdoor 10:00 a.m. to 10:00 p.m., and Sunday is 10:00 a.m. to 11:00 p.m. and outdoor is 10:00 a.m. to 10:00 p.m. Ziev said that she understands that the golf course probably opens earlier than the Briar Barn Inn. Noone said that we open at 6:00 a.m. Ziev asked if the Board wanted her to make a motion. Pierce asked what is your motion. Ziev said her motion is to change the liquor license from wines and malts to all alcohol, and to change the liquor license from seasonal to annual with a serving time seven days a week from 8:00 a.m. to 11:00 p.m. Pierce asked if anyone wanted to second the motion.

Christopher Thornton said it is important for you to consider when you grant a year-round license to a seasonal business about what you are doing. He said when the golf course is closed the public has access to this amenity, but when the golf course is open we don't, and yet by granting them the year-round license what you are doing is expanding the viability for them to be open year-round and denying the public the access. Ziev said that the alcohol will be served only inside. Thornton said they have an expanded outdoor seating area presently. He said if you are expanding the hours of operation, I think you should consider keeping the alcohol inside after dusk. Ziev said she believed that this pertained to only alcohol being served inside. Pierce said that was his understanding. David said this was her understanding as well. Thornton told the Board that they should be clear on this matter. Snow said we are not going to be talking about the tent. Ziev asked the applicant if alcohol is consumed outside. Noone said the roofed deck area was what he is including as "inside" and that this area is currently licensed. Noone said the current license permits 24 seats in the roofed deck area. Thornton said if you are expanding the outdoor operations by allowing outdoor consumption of alcohol after dusk, that as you consider this, it is a slippery slope that is going to lead to a full-service restaurant. He said this is not a site that has been evaluated for that type of use. Pierce said the Planning Board will evaluate that and we are not approving a restaurant. Snow said there are plans to expand the Back Nine Tavern to another location, as he understands it. Noone said ideally, yes. He said that is something that is not part of this application. He said it is a limited building and that we are really looking to serve all alcohol other than beer and wine. He said that we are not impacting the passive recreation use of the golf course because of what we are doing in the clubhouse. He said the characterizations that have been set forth here is really not accurate. Pierce suggested we expand the hours for indoor drinking only and keep the deck at the existing hours. Noone said the only hesitancy that he has with that is, if we put a simulator on the deck and then put up some kind of walling to keep it warmer in there. Pierce said you would have to go to the Planning Board for that. Noone asked if he had to go to the Planning Board to put up a temporary barrier to keep out the wind

and snow off the deck. Pierce said it has to be shown on the site plan. Noone said that the seating area is already on the existing plan. Ziev asked about the morning hours for the liquor license. Pierce said he has no problem with that or with expanding to all alcohol, but for indoor consumption only. Noone said the outdoor deck is already licensed for alcohol. Ziev said that our approval for the adjustment in the license would be only for the indoor area. Snow reviewed the language on the existing license and said the license covers the outdoor seating area. Snow said the deck is part of the footprint. Pierce asked Snow if you want to allow them to expand the hours for the entire area. Snow said yes. Ziev asked if there is any way to separate the hours for the indoor and outdoor for this license. Pierce said we allowed this for other places, like the American Barbecue, but they won't use the outdoor space in the winter and then in the summer, after a certain time in the evening they won't use it because of the mosquitos. Ziev said that the American Barbecue license has different hours for the indoor and outdoor consumption. Noone said he was fine with that. Pierce asked Ziev to make a motion. Ziev made a motion to change the liquor license from wines and malts to all alcohol, to change the liquor license class from seasonal to annual, and the hour adjustment for the outdoor area annually from 8:00 a.m. to 9:00 p.m. and the indoor 42-person occupancy be 8:00 a.m. to 11:00 p.m., David seconded, all in favor, aye, 4-0. Ziev made a motion to close the public hearing, David, seconded, all in favor, aye, 4-0. The hearing closed at 7:24 p.m.

ADJOURN

Robert Snow made a motion to adjourn, Deana Ziev second, all in favor – aye (4-0).

Meeting adjourned at 7:24 p.m.

Respectfully submitted,
Deborah Eagan
Town Administrator

ATTACHMENTS:

1. Meeting memo General Business #1: Approve donation of a Happy Chat Bench for the Rowley Public Library from the Ipswich-Rowley Rotary Club with attachment
2. Meeting memo General Business #2 Letter of resignation from Police Captain David Sedgwick with resignation letter attached.
3. Meeting memo General Business #3 Request from Police Chief Scott Dumas to lift the hiring freeze for the position of Police Captain with letter attached.
4. Meeting memo General Business #4 Review State Ethics Disclosures filed by Assistant Town Accountant Linda Cook with attachments

5. Meeting memo New Business #1 Request from The Bluebird Performance Venue for One-Day Entertainment License for live music and poetry offered in a coffee house format at the First Congregational Church at 175 Main Street on January 13, 2024 and February 10, 2024 from 6:30 p.m. – 9:00 p.m. – Church Sanctuary with attachments
6. Meeting memo New Business #2 Review Remembrance of Climate Futures markers and proposed locations with attachments
7. Meeting memo Old Business #1 Review Green Communities Annual Report
8. Meeting memo **6:15 p.m. PUBLIC HEARING*** Multiple Amendments Liquor License Application filed by Back Nine Tavern, LLC, d/b/a Rowley Country Club 235 Dodge Road with attachments